

DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
Smee School District
Accountability Review - Monitoring Report 2011-2012

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Dates of On Site Visit: November 30, 2011

Date of Report: January 30, 2012

All non-compliance must be corrected within 1 year of this report date. Date Closed:

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
 - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
 - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'

- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

1. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

ARSD24:05:25:22. IEP team to develop individual education program. If the child is determined to be in need of special education or special education and related services, the IEP team shall develop an appropriate individual education program for the child. At the beginning of each school year thereafter, the district must have in effect an IEP for each child with disabilities within its jurisdiction. For children beginning at age three, an IEP shall be in effect by that date. If a child's third birthday occurs during the summer, the IEP team shall determine the date when services under the IEP will begin. All IEPs shall be developed in accordance with the provisions of this article.

ARSD24:05:24.01:09. Developmental delay defined. A student three, four, or five years old may be identified as a student with a disability if the student has one of the major disabilities listed in § 24:05:24.01:01 or if the student experiences a severe delay in development and needs special education and related services.

ARSD24:05:25:04. Evaluation procedures -- General. School districts shall ensure, at a minimum, that evaluation procedures include the following:

- (5) A variety of assessment tools and strategies are used to gather relevant functional, developmental, and academic information about the child, including information provided by the parents, that may assist in determining:
 - (a) Whether the child is a child with a disability; and
 - (b) The content of the child's IEP ...
- (7) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities; and
- (8) The evaluation is sufficiently comprehensive to identify all of the child's special education and related service needs,

Prong 1: Correct each individual case of noncompliance

Through teacher interview and file review, the monitoring team determined the district did not conduct a comprehensive evaluation for four students.

Student:	Required Action:	Data To Be Submitted:
Student File 8: For a student who had been on an IFSP and was turning 3 years old, the district did not conduct a comprehensive evaluation prior to the child turning three.	1) After reviewing existing data, the district will conduct a comprehensive evaluation, including skill based in all areas of eligibility. 2) District will conduct an eligibility meeting and develop an IEP to provide benefit for the student's disability/disabilities. 3) District will follow all procedural safeguards.	District will submit the following for each student: 1) PN Consent for evaluation 2) Evaluation Reports (standardized and skill based) 3) Eligibility Document 4) PN for the meeting 5) IEP
Student File 5: During the initial evaluation of a student who would be turning 6 years old one month after the completion of the evaluation period, the district evaluated only for the disability category of 570, which is a disability category for students 3 to 5 year olds and		

can no longer be used at which time a student turns 6 years old.		
Student File 1: Student’s standardized test scores supported the disability category of 525 in the areas of math and reading. But skill based assessment was not conducted to determine the second prong of eligibility and which the IEP team can use to develop the IEP.		
Student File 2: Student’s standardized test scores supported the disability category of 555. But skill based assessment was not conducted to determine the second prong of eligibility and which the IEP team can use to develop the IEP.		
<u>Timeline for Completion:</u> All material must be submitted to team leader 45 school days after the report is approved		

2. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

ARSD24:05:24:01. Referral. Referral includes any written request which brings a student to the attention of a school district administrator (building principal, superintendent, or special education director) as a student who may be in need of special education. A referral made by a parent may be submitted verbally, but it must be documented by a district administrator. Other sources of referrals include the following: (1) Referral through screening;(2) Referral by classroom teacher;(3) Referral by other district personnel;(4) Referral by other public or private agencies; and(5) Referral by private schools, including religious schools.

<u>Prong 1: Correct each individual case of noncompliance</u> Through file review, the monitoring team determined the district did not a referral in the file for four initial evaluations.		
Student:	Required Action:	Data To Be Submitted:
Student files 1-2-3-5 had no evidence in the student file to document a referral.	The district will do the following: 1) develop a referral process 2) develop a referral form 3) provide training to general education and special education staff regarding the referral process	District will submit a copy of the following: 1) referral process 2) a referral form 3) the date of the training and the names of the staff training
<u>Timeline for Completion:</u> All material must be submitted to team leader 45 school days after the report is approved		

3. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

ARSD24:05:25:12. Documentation of eligibility for specific learning disabilities. For a child suspected of having a specific learning disability, the documentation of the determination of eligibility shall contain a statement of:

- (1) Whether the child has a specific learning disability;
- (2) The basis for making the determination, including an assurance that the determination has been made in accordance with this section;
- (3) The relevant behavior, if any, noted during the observation of the child and the relationship of that behavior to the child's academic functioning;
- (4) The educationally relevant medical findings, if any;
- (5) Whether:
 - (a) The child does not achieve adequately for the child's age or does not meet state-approved grade-level standards; and
 - (b) The child does not make sufficient progress to meet age or state-approved grade-level standards; or the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade level standards or intellectual development;
- (6) The determination of the group concerning the effects of a visual, hearing, or motor disability; cognitive disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency on the child's achievement level;
- (7) If the child has participated in a process that assesses the child's response to scientific, research-based intervention:
 - (a) The instructional strategies used and the student-centered data collected; and
 - (b) The documentation that the child's parents were notified about:
 - (i) The state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided;
 - (ii) Strategies for increasing the child's rate of learning; and
 - (iii) The parents' right to request an evaluation;
- (8) If using the discrepancy model, the group finds that the child has a severe discrepancy of 1.5 standard deviations between achievement and intellectual ability in one or more of the eligibility areas, the group shall consider regression to the mean in determining the discrepancy; and

Prong 1: Correct each individual case of noncompliance

Through file review, the monitoring team determined the district did not consistently or adequately document all additional requirements on the eligibility document when determining a student to be a student with a learning disability.

Student:	Required Action:	Data To Be Submitted:
Student Files 6: Student's IEP indicates the student has a learning disability but had no eligibility document in the student file to support this decision.	<ol style="list-style-type: none">1. District Special Education staff will receive training on how to correctly complete the eligibility document for students who have been evaluated for the disability category of 525.2. District will convene the IEP team for file 6 in order to complete the eligibility document.	District will submit the following: <ol style="list-style-type: none">1. Prior notice for the meeting2. Eligibility document3. Amended IEP (see General Supervision 5)

Timeline for Completion:

All material must be submitted to team leader 45 school days after the report is approved

4. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

ARSD24:05:25:06. Reevaluations. A school district shall ensure that a reevaluation of each child with a disability is conducted in accordance with this chapter if the school district determines that the educational or related service needs, including improved academic achievement and functional performance, of the child warrant a reevaluation or if the child's parents or teacher requests a reevaluation.

A reevaluation conducted under this section may occur not more than once a year, unless the parent and district agree otherwise, and must occur at least once every three

years, unless the parent and the district agree that a reevaluation is unnecessary.

Reevaluations must be completed within 25 school days after receipt by the district of signed consent to reevaluate unless other time limits are agreed to by the school administration and the parents consistent with § 24:05:25:03.

ARSD24:05:27:08. Yearly review and revision of individual educational programs. Each school district shall initiate and conduct IEP team meetings to periodically review each child's individual educational program and, if appropriate, revise its provisions. An IEP team meeting must be held for this purpose annually...

Prong 1: Correct each individual case of noncompliance

Through file review the monitoring team determined Smee School district did not meet all required timelines.

Student:	Required Action:	Data To Be Submitted:
Student file 6 and 2 Students' annual IEP dates were not met	There is nothing the district can do to correct this issue. District will develop a procedure that tracks annual review dates, reevaluation dates and when students will be turning 6 years old and will set up a schedule which allows sufficient time to meet each of these deadlines.	District will submit the tracking form reflecting each student's name, age, IEP date, reevaluation date and when each is scheduled for the rest of the 2011-12 school year and the 2012-13 school year.
Student file 2 Student's 3 year reevaluation date was not met		
Student file 1 Student's 25 day evaluation timeline was not met		
Student file 8 Student was not reevaluated by age 3 to determine eligibility for Part B (district was aware of student as student met the criteria for Prolonged Assistance under Part C.)		

Timeline for Completion:

All material must be submitted to team leader 45 school days after the report is approved

5. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

ARSD24:05:27:01.03. Content of individualized education program. Each student's individualized education program shall include:

- (1) A statement of the student's present levels of academic achievement and functional performance, including:
 - (a) How the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students);
- (3) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student:

ARSD 24:05:27:12. Graduation requirements....The instructional program shall be specified on the individual educational program. The individual educational program shall state specifically how the student in need of special education or special education and related services will satisfy the district's graduation requirements. The IEP team may modify the specific units of credit described in § 24:43:11:02. Parents must be informed through the individual educational program process at least one year in advance of the intent to graduate their child upon completion of the individual educational program and to terminate services by graduation.

Prong 1: Correct each individual case of noncompliance

Through file review the monitoring team determined all IEP content was not completed in 3 files

Student:	Required Action:	Data To Be Submitted:
Student file 2 Because no skill based assessment was completed in the area of disability there was limited skills listed on the Present Levels of Academic Achievement and Functional Performance. Description of services did not reflect what services the district was committed to provide.	District will convene the IEP team and develop a new IEP.	Material to be submitted will coincide with the required submission under General Supervision 1 (Evaluation)
Student file 9 The district did not adequately address "how the student's disability affects his/her progress in the general curriculum."	District will convene the IEP team and amend the IEP	District will submit the following: 1) PR for the meeting 2) Amended IEP
Student file 6 Graduation requirements were not clearly listed.	District will convene the IEP team and amend the IEP	District will submit the following: 1) PR for the meeting 2) Amended IEP

Timeline for Completion:

All material must be submitted to team leader 45 school days after the report is approved

6. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

Corrective Action:

ARSD24:05:17:03. Annual report of children served. In its annual report of children served, the department shall indicate the number of children with disabilities receiving special education and related services on December 1 of that school year;

Prong 1: Correct each individual case of noncompliance

Through the child count verification and file review, the monitoring team determined Smee School District's 2010 child count did not accurately report students being served on December 1, 2010.

Student:	Required Action:	Data To Be Submitted:
Student File 11 did not have an IEP in place December 1, 2010. This student was identified on the 2010 Child Count as having a disability of 525	District will review policy and procedures in regard to Child Count reporting in order to determine why the discrepancies occurred.	District will submit what procedure will be used in the future to ensure accurate reporting of Child Count.
Student files 6, 15,16,17 and18 were students who had an active IEP in place on December 1, 2010, but were not on the 2010 Child Count	District will revise Child Count reporting procedures to ensure the Child Count accurately only those students and all students who have an active IEP in place on December 1	

Timeline for Completion:

All material must be submitted to team leader 45 school days after the report is approved

Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.

Required Action:

- District will conduct a comprehensive evaluation, including skill based assessment in all areas of eligibility, for all students on the district's child count.
- District will ensure all documentation is in the student's file (referral, review of existing data, all evaluation reports, medical documentation if needed to determine eligibility, IEP and progress notes)
- District will ensure each student's eligibility document contains all required and/or necessary data the team used to determine eligibility. (Primarily for those students who have been determined to be eligible under the disability category of 525)
- District will ensure all timelines are met (annual review of IEP, 3 year reevaluation, evaluations are completed within 25 school days, and student who are transitioning from Part c to Part B are reevaluated and have an IEP in place (if the student qualifies) prior to their 3rd birthday
- District will ensure all IEP content is completed correctly especially PLAAFP, description of services, how student's disability affects his/her performance in the general curriculum, and graduation requirements.

Data to be Provided:

Each special education teacher, early childhood teacher and speech therapist will submit the following for one student who had an initial evaluation or reevaluation:

- 1) Referral document (if student is an initial evaluation)
- 2) Copy of the review of existing data
- 3) PN Consent for evaluation
- 4) Copy of all evaluation reports
- 5) PN for the eligibility meeting/IEP meeting
- 6) Copy of the Eligibility document
- 7) Copy of the IEP

All non-compliance must be corrected within 1 year of this report date.

Date: December 30, 2012

Status Report:

State Performance Plan – Performance Indicator

Indicator 2 – Dropout Rate:Percent of youth with IEPs dropping out of high school

State Rate:3.31%

District Rate: 5.88%

District Policy, Procedure and Practice:

District has applied for and received a resiliency grant to create an environment to motivate students to continue education post-secondary.

Indicator 5: Placement of Children Age 5-21

A) Percent of children with IEPs inside the regular class 80% or more of the day.

State Rate: 65%

District Rate: 95.74%

District Policy, Procedure and Practice:

District has hired paraprofessionals to go into the general education classroom to assist with students on IEPs.